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MAY 10 2006

OFFICE OF PETITIONS

In re Application of	:	
Marianne M. Key-Cerniak et al.	:	
Application No. 10/709,660	:	DECISION ON PETITION
Filed: May 20, 2004	:	UNDER 37 C.F.R. §1.181
Attorney Docket Number: MK01	:	
Title: SAFETY PANEL FOR HANDGUNS	:	

This is a decision on the petition filed March 13, 2006, pursuant to 37 C.F.R. §1.137(a), which is properly treated as a petition under 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition fee will be refunded to Petitioner's Deposit Account in due course.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.113 in a timely manner to the final Office action mailed April 27, 2005, which set a shortened statutory period for reply of three (3) months. An after-final amendment was received on July 11, 2005, and an advisory action was mailed on July 26, 2005. No extensions of time under the provisions of 37 CFR §1.136(a) were obtained, and no further responses were received. Accordingly, the above-identified application became abandoned on July 28, 2005. A notice of abandonment was mailed on December 13, 2005.

With the present petition, Petitioner has asserted that a Request for Continued Examination (RCE) was submitted on August 23, 2005 along with a one-month extension of time. Petitioner has submitted a copy of this submission, and it is noted that it contains a certificate of mailing dated August 23, 2005. Petitioner has further submitted a postcard receipt which evinces the receipt of an RCE on August 25, 2005. It is further noted that Office records reflect the receipt of both the fee associated with the filing of an RCE and a one-month extension of time on August 25, 2005.

Petitioner has requested that the holding of abandonment in the above-identified application be withdrawn. It is clear that a response was timely submitted. Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a submission was timely submitted.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision, and the RCE originally submitted on August 25, 2005 will be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



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